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### Distance Learning Questionnaire Findings

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# DISTANCE LEARNING QUESTIONNAIRE FINDINGS

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## Introduction

Distance learning is now a central component of the law school curriculum. The COVID-19 pandemic forced law schools to engage in emergency remote teaching after in-person instruction became too dangerous. As a result, nearly every law school is now engaging in some form of distance learning, at least temporarily. Fortunately, sophisticated models exist for both synchronous and asynchronous online learning. And online delivery of the J.D. curriculum is not brand new to legal education. There are hundreds of practicing lawyers today who earned their law degrees through programs that were delivered in significant part online. Just prior to the sudden, temporary shift from in-person instruction in the spring of 2020, there were four law schools that were operating under variances from ABA rules restricting the number of J.D. credit-hours that could be delivered online, and other non-ABA law schools have had online J.D. programs for some time.

AccessLex Institute® is committed to supporting evidence-based studies of distance learning in legal education. AccessLex funded the first assessment of Mitchell-Hamline's Hybrid J.D., the first such program of its kind

among ABA law schools. Since then, the organization has supported many efforts to explore and develop best practices relating to distance learning in legal education.

As part of that commitment, AccessLex is undertaking a comprehensive, multi-phase study of distance learning in law schools. This brief captures just a snapshot of the first phase, which consists of gathering and publishing information about distance learning J.D. programs that were in existence prior to the COVID-19 crisis. Here, six law schools describe the scope, form and function of the distance and hybrid learning components of their J.D. programs. The goal of this document in its current form, and as it grows with the addition of information from other law schools, is to help contribute to broad awareness of good practices for distance J.D. education, especially as many law schools are making first attempts to navigate this space.

If you have any questions or if you would like your school included in future stages of the study, please email Fletcher Hiigel, AccessLex Librarian, at [fhiigel@accesslex.org](mailto:fhiigel@accesslex.org).



# Law Schools with Hybrid J.D. Programs under an ABA Variance



## MITCHELL HAMLINE SCHOOL OF LAW

### **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

The essential features of Mitchell Hamline School of Law's blended learning program are rooted in the school's history and were born as a part of the core mission of the law school. Mitchell Hamline's origins date back to 1900. For many years, the school's character was shaped by its long history as a night law school, serving working people, immigrants, and people with family obligations. Together with this mission of providing access to legal education was the school's commitment to practical legal education. Long known regionally as the "lawyers' law school," Mitchell Hamline was a pioneer in skills education.

Introduced in 2015 as the hybrid J.D. program, the Mitchell Hamline blended learning program's design is informed by these two features of the school. Mitchell Hamline chose an asynchronous model with a four-year curriculum to provide maximum flexibility for students who fit the school's traditional profile. Mitchell Hamline designed the

face-to-face instructional time in block sessions for an intense, complex, and integrated program that incorporates many of the characteristics of actual law practice. The key design features of Mitchell Hamline's blended learning program are dictated by the school's mission of providing flexible and rigorous practical legal education.

Currently, approximately half of Mitchell Hamline's 1,200 students are enrolled in its blended learning program. The students come from every state as well as several other countries.

### **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

Mitchell Hamline's blended learning program successfully transitioned from Blackboard to Canvas for its learning management system. The school decided to pilot Canvas for all 1Ls (i.e., both the blended learning program and brick-and-mortar program 1Ls) in the fall 2017 term. In summer 2018, the school fully transitioned

all courses onto Canvas. The school also has implemented new learning technologies such as Zoom conference call software for office hours and Panopto video recording software for prerecorded lectures.

The enrollment cap of each course varies, depending on the type of course (skills, doctrinal, or seminar). Mitchell Hamline's typical online or blended course has 50–96 students enrolled, whereas some skills courses are limited to 48 students to accommodate more interactivity. Seminars are capped at 20 students, so professors can provide substantial feedback on the papers or other work product of each of the students.

b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).

Using Zoom, Mitchell Hamline professors conduct an optional synchronous office hour each week. The sessions are recorded and posted onto Canvas for any student unable to attend. For required courses, office hours tend to be guided, which means the professor brings and covers supplementary material. In upper-level courses, office hours tend to take the traditional form of a question-and-answer session.

The in-person components of our blended courses are also conducted synchronously. The first and third semesters of the program begin with an intensive on-campus synchronous preparation week. The first-semester preparation week includes an introduction to legal doctrine and skills, and helps students build a learning community with the faculty. Additionally, students receive instruction in case briefing, self-regulated learning, legal reasoning, and educational technology. In the third-semester preparation week, students receive six days of instruction in civil dispute resolution, evidence, and constitutional law liberties, and they also receive information on externships, career and professional development, curricular specializations, and cocurricular activities.

Each semester culminates with an intensive, synchronous on-campus capstone week, usually in the twelfth or thirteenth week, during which students apply the foundational doctrine and skills they have learned online. All capstone weeks include fifty-six hours of instruction. The capstone weeks include a combination of class-specific meetings and experiential simulations that integrate the three core courses in which students are enrolled during the semester. Each capstone week culminates in a complex simulation that lasts two to three days and incorporates the doctrine and skills from that semester's courses.

c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.

Our blended learning program is primarily an asynchronous program. The faculty, in tandem with the instructional designers, developed each course through a "backward design," competency-driven process. Each course is framed by a formal statement of course competencies and sub-competencies. Each of the twelve or thirteen weekly online modules builds on these competencies and contains expressly stated objectives, along with weekly narrative summaries, studies (e.g., readings, tutorials, videos), one or two interactive discussion boards, and one or two written assignments. During the online weeks, students learn the foundational doctrine and skills for each course.

Students receive feedback on all discussion-board posts and assignments from the full-time course professor and adjunct faculty members — expert practitioners who assist the full-time faculty in providing timely and valuable feedback. There is a 24:1 student-to-adjunct-faculty ratio in each doctrinal course, and a 12:1 student-to-adjunct-faculty ratio in each skills course. Full-time and adjunct faculty members evaluate assignments and discussion-board posts with rubrics tied to course competencies and sub-competencies. This method enables the faculty to assess student learning in each of the course competencies.

d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.

Mitchell Hamline has created five instructional design positions and hired experts in online course design to assist the faculty with the development of their blended and online courses. These individuals have expertise in curriculum development and online learning. They have partnered with the faculty to create a course template for courses in the program as well as an online resource community for the faculty. The school employs one remediation specialist, who is responsible for helping ensure the online content is accessible. The school also has two academic technologists who lead the Learning Technologies Lab, which focuses on course-building, video production and editing, and online course-room quality assurance. Lastly, Mitchell Hamline has two learning management specialists. These individuals answer questions from faculty and staff about the online platform, Canvas. In 2017, because of the increased student demand for technical assistance, Mitchell Hamline increased the hours of support to include weekends and evenings.

**3) Describe the on-campus, residential portions of your online or hybrid J.D. program. Please note how these will be adapted to a completely online setting if students are not able to come to campus to participate.**

Mitchell Hamline's blended learning program has two different, on-campus, residential portions: 1) a "preparation week or weekend" that takes place at the beginning of the first four semesters (we are adding preparation weekends in semesters two and four in the 2020–2021 school year) and 2) a "capstone week" that takes place toward the end of every semester.

The preparation weeks at the beginning of the first and third semesters last six days (Monday–Saturday). The preparation weekends at the beginning of the second and fourth semesters continue for three days (Friday–Sunday). The first-semester preparation week includes an

introduction to legal doctrine and critical skills; students also begin their coursework in torts, criminal law, and legal writing. In the third-semester preparation week, students receive six days of instruction in that semester's courses, and they also receive information on externships, career and professional development, curricular specializations, and cocurricular activities. In the two shorter preparation weekends in semesters two and four, students receive in-class instruction balancing lecture, class-wide and small-group discussions, and short interactive exercises that introduce them to the courses for that semester.

Capstone weeks, on the other hand, take place toward the end of the semester and require students to apply the foundational doctrine and skills they learned online earlier in the semester. The capstone weeks for the first four semesters include fifty-six hours of instruction. A faculty capstone-week director develops the capstone week schedule in conjunction with the full-time faculty teaching that semester. The capstone weeks include a combination of class-specific meetings and experiential simulations that integrate the three core courses in which students are enrolled during the semester. Each capstone week culminates in a complex simulation that lasts two to three days and incorporates the doctrine and skills from that semester's courses. The first-semester capstone week ends with a three-day settlement negotiation, the second semester with a complex lease negotiation, the third semester with oral arguments, and the fourth semester with a jury trial. Because the students in semesters five through eight choose their own courses from a menu of numerous blended and fully online options, those capstone weeks are offered as individual blocks of time during the week, and still include a combination of classroom instruction and interactive exercises within each individual course.

**4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**



Prior to the start of the semester, faculty who teach courses in the blended learning program are assigned an instructional designer to help develop their courses. The instructional designer conducts an initial design meeting lasting approximately one hour to review the backward design process, course competencies, educational best practices, technology considerations specific to the course, the general course template, and a timeline for course development. Following the initial design meeting, periodic check-in meetings between the instructional designer and each faculty member occur so that feedback and training are ongoing throughout the course development process.

In addition to one-on-one consultations with each faculty member, instructional designers also conduct training sessions or webinars throughout the year to provide additional opportunities for faculty to learn about effective online content delivery. These training sessions generally take place about three times per semester, last approximately ninety minutes, and focus on topics such as technology use, how to create accessible documents, or best practices for teaching online.

Beyond the process of training for full-time faculty members, the blended learning and instructional design teams host adjunct training sessions prior to the start of each semester. These sessions last 2–3 hours and cover topics such as blended learning policies, best practices for teaching online, communicating with students, and how to use the learning management system.

## **5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities:**

a) Describe how journals, moot court, student organizations and the like are offered online.

Mitchell Hamline works diligently to ensure that blended-learning program students are granted the same opportunities as brick-and-mortar program students. All blended learning students can participate in all three journals the school offers — *Cybaris*, an intellectual property law review; the *Mitchell Hamline Law Review*;

and the *Journal of Public Policy and Practice*. Thirteen blended-learning program students are participating in various roles as assistant editors, managing editors, editor-in-chief, and staff contributors in a publication this academic year. This year's editor-in-chief of the *Mitchell Hamline Law Review* is a blended learning student who lives outside St. Louis, Missouri. Meetings are held in a remote format, allowing students across the country to participate, and all work can be done remotely with online technologies.

Several students have participated in moot-court competitions. Information for competitions is sent out early to allow students the opportunity to sign up for tryouts, which are made available via Zoom for students outside of Minnesota. Practices are held remotely and synchronously via Zoom, with most partners not meeting in-person until the competition. Several moot-court teams comprised of blended learning students have gone on to place highly in their respective competitions. Finally, the Student Bar Association created two blended-learning program representative positions for each cohort, to ensure that students can fully participate in the Mitchell Hamline community and have their voices heard. Meetings are available by telephone or Zoom for students who cannot attend in person. Several student organizations have followed suit, with many blended learning students holding leadership positions in those organizations.

b) Describe how online externships and clinics are conducted.

In contrast to the brick-and-mortar-program students who complete their externships locally, blended-learning program students usually complete their externships in their cities and states of residence. Interested students complete an online proposal form and indicate their site of interest, supervising attorney, and number of credits to be earned. Career Services staff call the student's proposed supervising attorney to vet the site, and once the site is successfully vetted the student is enrolled in the externship course and assigned a faculty supervisor. In addition to completing the field work at their externship

sites and logging their externship hours in an online database, blended learning students complete coursework and meet with their faculty supervisors via phone or Zoom.

Additionally, blended learning students have an opportunity to participate in several clinics and register the same way they would for a course. The work varies from clinic to clinic, and clinic supervisors utilize daily or weekly emails, phone calls, and Zoom meetings to keep connected with the students.

**6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

*Library Services:* The Warren E. Burger Library provides support to the blended-learning program students through phone, email, and live chat during regular reference hours, and to students who live close enough to visit the library in person throughout the semester. Librarians are available on Saturdays to accommodate writing and research assignments due on Saturday nights. Moreover, recognizing that the blended learning students may need to work during hours when the reference desk is not staffed, the library also offers reference appointments on request.

Blended learning students may borrow materials from the library (the library mail system circulates books directly to students) and can participate fully in interlibrary loan services for both books and articles. The library has purchased multiple copies of study aids for the courses taught in the program. All students have access to Westlaw, Lexis, and Bloomberg, in addition to all of the library's subscription databases.

The blended learning curriculum has been developed so that students will be able to complete all coursework in legal research using materials and services available through the library. Librarians will also offer to introduce students to law libraries in their home area on request.

*Academic Excellence:* Mitchell Hamline has partnered with the education company Kaplan

to deliver an integrated bar readiness program, which includes materials, assessments, and curriculum enhancements to prepare students for the bar examination in all jurisdictions. This initiative was spearheaded by the dean of academic excellence and is being implemented by the office of academic excellence in cooperation with the faculty and administration. The Academic Excellence Office has designed three bar examination preparation courses for blended-learning program students: Bar Primer, Bar Strategies: MPT, and Bar Strategies: MEE and MBE. These courses are mandatory for students with under a 2.8 GPA and are highly recommended for other students.

The Academic Excellence Office has also designed a bar preparation program titled "Ahead of the Curve." Graduates who participate in this free program receive valuable resources, one-on-one bar tutoring, a commercial bar preparation timeline, and enrollment in a commercial bar-review course.

*Career and Professional Development:* The Career and Professional Development Office has developed a comprehensive plan for serving the many blended learning students who are midcareer professionals from diverse fields. In their first semester, blended learning students are assigned to a career and professional development counselor, who is their point-of-contact for career planning and transition guidance during their time at Mitchell Hamline. Students may meet with their counselor one-on-one and in small group settings upon request. These meetings can take place in person or via Zoom, Skype, or other remote means. Students are particularly encouraged to meet in person with their career counselor during the preparation and capstone weeks.

The Career and Professional Development Office also coordinates targeted programming for the blended learning students while they are on campus during preparation and capstone weeks. During these sessions, there are discussions

about professional ethics in the law school and legal community, career exploration with alumni, career goal setting, career transitions, and more.

*Student Services:* The blended learning team employs two assistant directors who are responsible for advising current students and facilitating the administrative logistics of the program. They answer a wide range of questions, including graduation requirements, financial aid, and wellness concerns.

**7) Describe any training or other resources that have been provided to your traditional J.D. program students who have been required to transition to online learning due to COVID-19.**

The dean of students contacted all on-campus students with important information and updates regarding the transition to online classes. The information provided to students included details on (1) maintaining regularly scheduled class times, (2) how to log into the learning management system (Canvas) to find Zoom links for virtual class sessions, and (3) technical information about using Zoom (accessing Zoom accounts, hardware requirements for audio/video capabilities, and how to participate in practice meetings).

Staff from the instructional design, multimedia, and information technology departments established two main means to provide ongoing support and resources for all students, faculty, and staff. First, Mitchell Hamline created a webpage on the school's website with instructions and tutorials for using the technology tools. These were a combination of resources created in-house by our staff and externally created tutorials, such as those from Zoom's Help Center.

Second, Mitchell Hamline established an email address dedicated to responding to inquiries from faculty, staff, and students during the transition. Instructional design, multimedia, and information technology staff closely monitored incoming messages to respond to individual questions and troubleshoot issues. Staff committed to responding within 15 minutes during normal business hours to

be able to address immediate and unexpected technology issues. The inbox was also monitored by staff working evening and weekend hours.

**8) Please describe the extent to which your institution's prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

Mitchell Hamline's prior experience with distance learning helped to ease the transition to online learning in three important ways. First, Mitchell Hamline had a robust infrastructure of educational technology support to help the transition to online teaching. Staff were able to draw on their expertise to expand our use of Zoom and Panopto, to avoid some of the cybersecurity issues by fully integrating these tools into our LMS platform, and to provide both group training and individualized support to faculty members unfamiliar with these technologies. Second, Mitchell Hamline understood the importance to students of creating a uniform and predictable structure for their online learning. The school created institutional protocols for the faculty to follow in moving their classes online, such as requiring synchronous Zoom class meetings at the regularly scheduled class time, even if some asynchronous material was also being utilized. Finally, the experience that many of our faculty members had in building our blended learning courses provided invaluable mentorship to those faculty who were less familiar with the instructional technologies and enhanced the faculty culture of experimentation and collaboration.

The greatest challenge Mitchell Hamline faced was that our online teaching in the blended learning program has been largely asynchronous. Faculty and staff needed to learn the technology of synchronous online teaching. Our faculty were eager to share their knowledge and learn new things together, and our educational technology team provided outstanding support.



**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

Law schools have largely turned to remote, synchronous teaching and learning during the COVID-19 pandemic. Using tools such as Zoom and Google Hangouts, faculties have attempted to replicate the in-class experience virtually. Distance-education courses, or blended learning programs, by contrast, require a careful balancing between asynchronous and synchronous instruction. Asynchronous instruction extends access (e.g., by not requiring students to be online at certain times each week), requires weekly learning outcomes and formative assessments, and enables all students to participate weekly (e.g., through learning activities such as discussion boards). Additionally, blended learning involves a set of choices that identifies learning that can best take place online in a distance-education format and learning that can best take place in an in-person format.

Synchronous, remote instruction is only one tool available to a faculty teaching distance-education courses, whether it is a part of a blended learning program. To the extent that law schools choose to offer additional distance-education coursework, they need to be wary of equating the instruction that took place during the COVID-19 pandemic with distance education. Blended learning, or distance education, requires much more course planning, a variety of technological tools that are chosen to match the faculty member's learning objectives, frequent formative and summative assessments, and a commitment to student access.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

As law schools move into the online or blended learning education space, faculty, staff, and administrators must remember the value of communicating with students asynchronously and synchronously. Both means of communication have a place and purpose, and the distance

educator's challenge is to determine what teaching is best delivered through each medium. Distance-based education requires more — not fewer — opportunities for faculty and student connection, and those points of connection require more intentional planning, consideration, and thoughtful delivery.

Faculty, staff, and administrators must also plan for the challenges that distance-based education presents: the challenges that educators ordinarily face in the classroom grow exponentially in the absence of face-to-face communication. We must communicate remotely with individuals who have different needs, perspectives, cultural orientations, and access levels. Educators must create virtual classrooms that include and value all individuals without neutralizing their differences, but instead build upon those differences to strengthen the virtual classroom environment and discussions.



# SYRACUSE UNIVERSITY COLLEGE OF LAW

## **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

Syracuse University College of Law's JDInteractive Program is an ABA-approved hybrid J.D. program designed to make law school accessible to talented students for whom a residential law degree program is not practicable because of work or family commitments. The program combines real-time, live online class sessions with self-paced instruction, on-campus courses, and experiential learning opportunities. A distinctive feature of the program is that the majority of instruction time is live, real-time instruction, with students and professors interacting with one another as they do in traditional residential J.D. programs.

## **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

Our program is deliberately small — we currently take no more than 65 students per year. We also keep live sections of classes small — typically between 20 and 30 students — because we believe this facilitates active student engagement. At this class size, all students can see one another and the professor simultaneously, and participate in classroom discussions and Socratic dialogue just as they might in a residential classroom.

b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).

The central feature of each online course is synchronous class sessions. In every online class, at least 50% of the course is conducted in real time allowing faculty and students to dynamically and spontaneously engage with one another as they would in a residential classroom. Faculty receive extensive training before teaching live online, and live IT support is available if faculty run into any issues. These classes are almost all taught by our full-time faculty, in addition to a

few experienced faculty hired specifically for this purpose (e.g., a leading member of our emeriti faculty hired on a part-time basis).

To allow for high-quality, seamless interactions in real time, our live sessions are conducted using Zoom, a software environment that provides both videoconferencing capabilities and a wide range of tools that allow faculty to shape their virtual classrooms to fit their teaching styles and pedagogical aims.

c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.

Each online course has an asynchronous component that constitutes not more than half of class time. These asynchronous lessons are typically developed by our full-time faculty and primarily by tenured members of our faculty. The asynchronous course sessions represent an opportunity not simply to replicate what happens in a residential classroom (although this is feasible), but also a chance to create learning experiences that would not be possible in a physical classroom including ones that allow for rapid feedback and formative assessment.

Asynchronous class sessions use a variety of formats. The range and types of asynchronous material our faculty have created include enriched lectures, Socratic dialogues, roundtable discussions, and hypothetical exercises among others. Notably, a single course might use all of the formats, thus creating a rich set of learning experiences that work for a wide range of learning styles. Regardless of the format of the asynchronous session, each includes highly interactive embedded exercises that require students to actively engage with the material they are being asked to learn. This can be as simple as a multiple-choice question or as complex as an essay response. Professors determine what happens after a student answers a question. Multiple choice and short answer questions can be validated immediately. Questions calling for more intricate answers can be individually reviewed by faculty, reviewed by peers on

a discussion board, or reviewed by students themselves based on a model answer provided by faculty.

d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.

Our faculty work closely with Syracuse University's instructional design team to design and build the asynchronous portions of their online classes. Faculty also receive support and training from our Faculty Director for Online Education and Associate Dean for Online Education, who are both experienced professors who have themselves built and taught online courses.

**3) Describe the on-campus, residential portions of your online or hybrid J.D. program. Please note how these will be adapted to a completely online setting if students are not able to come to campus to participate.**

Residential courses are central to the design of the JD-i program. Students are required to complete six residential courses during the course of the program. These courses ensure opportunities for real-time interaction, as well as an opportunity for students to strengthen relationships with one another, with faculty, and with students in the residential program.

The courses vary in purpose, topics and nature. The first course is designed to provide a strong foundation for students' legal studies, including the legal processes, common law system, and techniques for understanding and studying the law. The second, third and fourth residential courses are skills-focused courses. The last two required residencies are specialized elective courses that provide students with a "deep dive" into a specialized field of legal practice from an expert in the field.

At the current time, students must attend residential courses in person, and cannot opt to do them from a remote location. We anticipate that we may need to delay offering certain residential courses



due to the COVID-19 pandemic; this is, obviously, an unfolding situation and we are working to proactively plan for different possibilities.

#### **4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**

To enable faculty to teach successfully in this new environment, both teaching support and technical support have been provided to every faculty member teaching in the program.

Faculty developing asynchronous class sessions receive support both from College of Law faculty who are experienced in course build and from Syracuse University's in-house instructional design experts housed at University College. This teaching support helps faculty members think through the relationship between the asynchronous class sessions and synchronous class sessions. Indeed, each faculty member creating asynchronous class sessions has engaged in lesson planning for the parallel synchronous class sessions to ensure that the two types of class sessions complement one another in order to achieve the desired learning outcomes.

Faculty members also are provided with ample teaching support to enable them to successfully adapt their teaching to the live, online format. Each faculty member teaching synchronously has completed training on the use of the Zoom videoconferencing system well in advance of his or her first live class. In addition, each teacher is provided with one-on-one teaching mentoring from a professor who has successfully taught online in the past. Staff are also available to help professors practice teaching in this new space.

#### **5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities**

a) Describe how journals, moot court, student organizations and the like are offered online.

Our Office of Student Affairs staff and JDi Program Coordinator have worked closely with our student organizations to teach them how to use technology to create meetings and events that

are fully accessible to both online and residential students. Thus, it is now routine for student organizations meeting on-campus to have a videoconference line open during their meetings so that JDi students can join.

JDi students have enthusiastically seized on opportunities to participate in student organizations along with their residential peers. JDi students are actively participating in a variety of student organizations including the Student Bar Association; the Veterans Issues, Support Initiative and Outreach Network (VISION); the Latin American Law Students Association (LALSA); the Entertainment and Sports Law Society; and the Corporate Law Society among others. In addition, this spring, our first cohort of JDi students is in the process of applying for membership on our law review and journals.

b) Describe how online externships and clinics are conducted.

All JDi students have the opportunity to enroll in a nine-credit externship. The externship consists of six credits of placement and three credits of wrap-around seminar. Students placed in cities in which we have in-person seminars have the option of participating in the in-person seminar alongside students in our residential J.D. program. Students working in other cities may enroll in an online seminar led by a faculty member.

#### **6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

Student support is a critical component of our law school and to the long-term success of our students. We have invested heavily in student support for students in both our residential and online programs. The Office of Student Affairs has a full-time staff dedicated to providing academic counseling, student support, professional development opportunities and guidance, and an array of programming to support students during their law school education. Our programming

currently includes, among other things, a student mentor program, academic tutoring, and bar readiness programming.

Our Career Services Office has adapted its delivery of services to provide quality career and professional development services to JDi students. Our counselors are available to meet one-on-one with all students on Zoom. Such sessions can be used to address individual questions as well as to provide individualized career coaching.

Group programming is also made available live, online, as well as recorded and posted online for future reference. For example, during this academic year, the Office of Career Services staff held live webinars on Zoom to introduce JDi students to its services, and the Symplicity system, which is used to connect with prospective employers. They also used Zoom to conduct interactive sessions on such topics as career readiness and diverse careers in law, which were recorded and made available to students unable to attend due to career, family and other obligations.

In a similar way, our Office of Financial Aid has adapted its services to meet the needs of the JDi students. Most of the Financial Aid counseling is done on a one-to-one basis and staff find working in a virtual office works to connect with students and help them navigate the financial aid process and understand their options.

JDi students have full access to the law library and to the Syracuse University library system. Library reference and instruction services, library materials and the print collection are available to JDi students. Reference librarians use the virtual classroom to facilitate face-to-face reference inquiries and instruction to individuals and small groups, and they are also available for email and telephone inquiries. Library materials including databases, online research tools, bibliographic information, indexing and cataloging are available to all student through the online library catalog. Lastly, students can access most of the library's print collection

through electronic document delivery with the help of our librarians. Where electronic delivery is not possible, staff is able to locate materials at a local library, provide physical delivery of the material or use its inter-library loan system.

## **7) Describe any training or other resources that have been provided to your traditional J.D. program students who have been required to transition to online learning due to COVID-19.**

Our faculty and staff have also been providing active support to residential students to help them transition online. This has included creating a website that serves as a central clearinghouse for student support resources. Syracuse University has created an online central bank of continuity resources that our students can access. In addition, our staff have used their experience making events accessible online for JDi students to bring a wide variety of extracurricular programming online. For example, our Career Services Office is running online webinars and mentoring events and the Director of Our Office of Student Affairs holds regular events that provide a social outlet for students and a way to check in.

We are proud that our JDi students came forward to provide support to their residential colleagues transitioning to online learning. Most notably, the JDBeyond, a student organization founded by JDi students, and its student leaders organized four information sessions before online instruction started for their residential classmates. The students shared their experience with online learning, provided their insight into best practices for students, and answered questions.

We are also fortunate that many of our residential students had familiarity with using Zoom videoconferencing tools because they had already used them to connect with their JDi classmates for student organization meetings and events, as well as College of Law programming.

**8) Please describe the extent to which your institution's prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

Our experience building and operating the JDinteractive program allowed us to temporarily transition our residential program to online learning in a more seamless and complete way than would otherwise have been possible. In terms of classes, faculty members were provided with training on how to teach online from colleagues who had taught in the JDi program. Faculty also had the opportunity to practice online teaching with the staff members.

Our experience with the JDi program also meant we understood that bringing law school online meant more than simply bringing classes online. The fact that we already provided student support services online to JDi students meant we could use the systems we had developed to do that to now benefit all students.

**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

Online education has the potential to expand access to legal education for talented students for whom it would otherwise not be practicable. By providing opportunity for legal education to professionals embedded in other sectors, it may also train lawyers who are more sensitive to and knowledgeable about the sectors they represent. In addition, online education has the potential to address the gap between where lawyers are located and where clients are that need them. More on these points, as well as the Faculty Director of Online Education's personal views on the role and impact of online education going forward, can be found in an

article forthcoming in the Syracuse Law Review and in an article that appeared in the New York State Bar Association Journal.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

In response to COVID-19, law schools have worked expeditiously to bring classes online. However, as our experience building and operating the JDi program has taught us, making law school available online means a lot more than simply making law classes available online. It also means bringing online all the wrap-around services and support that students need. If residential classes do not resume in the fall, students will expect more than simply classes.





# UNIVERSITY OF DAYTON SCHOOL OF LAW

## **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

University of Dayton School of Law's Hybrid J.D. Program ("Program") operates under one of the five variances granted by the American Bar Association to operate a fully online program. The Program seeks to enroll students whose personal circumstances make distance education a necessity. Our primary goal in offering a part-time hybrid J.D. program is to serve an unrepresented or underrepresented cohort of potential law students and to deliver the same quality legal education to them through distance learning as experienced by the students on-campus in the traditional J.D. program. The Program allows law school to become a possibility for these students, along with others whose job and family responsibility make the added flexibility of such a program an essential feature of attending law school. Our Program builds on – and improves upon – the continuing success of part-time legal education by incorporating state-of-the-art technology to deliver legal doctrine,

practice skills, and bar preparation strategies to the part-time student cohort who otherwise may be unable to pursue a legal career.

## **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

The Program incorporates a sophisticated and unique delivery system, through our partnership with online production manager and service provider 2U, Inc., to offer web-based content delivered through a variety of customized pedagogical methodologies. There are three main components of the majority of the courses in the Program (60 of the 90 credits):

- Synchronous instruction (50% of the instructional minutes);
- Intensive on-campus instruction (50% of the instructional minutes), labelled Get REAL (Relevant Experience & Applied Learning) weeks, and

- Asynchronous instruction (a structured approach to a significant portion of out-of-class student work required under ABA Standard 310(b)(1)).

Under the variance, the Program's curriculum offers 30 purely online hours permitted by revised Standard 306(e). These courses are identical in structure to the other 60 hours that have the three components except they do not have the Get REAL week component and the full instructional minutes are made up of 50% asynchronous coursework and 50% synchronous coursework. Under the variance, only 50 students can be admitted per year. Currently, the Program is in its second semester with 18 students in the inaugural cohort. For larger cohorts, we would not have more than 25 students in a section.

**b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).**

For 50% of the instruction time for each course, students meet with their faculty member in a virtual classroom via Zoom in real time and communicate with each other just as they would in a physical classroom on-campus. Students and the faculty member log onto the platform at the scheduled time and use a variety of available technological tools, including one that allows the faculty member to break the class down into breakout groups and one that allows instant polling. Everyone is visible at all times, via a thumbnail video of each person, our service provider, 2U, is responsible for providing all of the necessary support for training faculty on the platform and its features prior to the commencement of the semester, as well as providing support by attending the first several Zoom sessions. Following the first several weeks, live support remains available via live chat, email, or phone.

**c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.**

Minutes equaling the synchronous instructional minutes are built into the asynchronous content. This component coupled with traditional readings and other assignments builds the students' knowledge and understanding of the law. In essence, the asynchronous coursework allows us to "flip the classroom." The asynchronous content is not limited to lecture-style format. Faculty incorporate assessments, group work (by which the students in the group set their own time to interact), and/or problem solving into the asynchronous content.

One feature of the asynchronous content is the use of "round tables," wherein the faculty member engages in a Socratic dialogue with two individuals in a video recording. The individuals are current or former law students who are hired for this purpose. During the course of the questioning, the faculty member will pose a question to the camera, asking the students watching the video to record a video of their answer to the question or to write out their answer. Only after the students have submitted their answers in the LMS will they be able to see their classmates' responses and to restart the video and see how the individuals with the faculty member responded as well as the faculty member's assessment. This practice provides a simulated Socratic experience; however, instead of the traditional Socratic dialogue where only the questioned student is required to answer the question, now every student must respond.

**d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.**

UDSL has partnered with 2U, as our service provider, who in addition to hosting the Program on its LMS, also provides faculty training and support. For the design of a course in the Program, a faculty member undergoes eight to ten months of devoted course development. First, the faculty member is assigned a course strategist from 2U, who engages in high-level strategy sessions with the faculty member discussing learning outcomes and goals for the course. Once the learning outcomes are identified, the faculty member

decides the appropriate evidence for evaluating student progress on the learning outcomes. Once those decisions are made, the faculty member is assigned a course designer from 2U, who provides advice about the possible assessments that can be used to provide the evidence of student progress. The course designer works with the faculty member to chart the course, week by week, and built out the asynchronous components into the LMS. The course developer, who is an expert in online course design, helps the faculty member decide which methodologies are best suited for teaching certain content—specifically what topics would be better suited for synchronous sessions, asynchronous coursework, or on-campus sessions. The faculty member works with her assigned course designer until the course is completely charted, meeting weekly with the course designer. Once the course is charted into the LMS, the faculty member works with the course designer and a video producer to design and schedule the asynchronous video content for the course. Videos can include lecture-style format, round-table format (simulated Socratic dialogue), or creative videos (mock client interviews, oral arguments, etc.). Once the video content is designed, the faculty member travels to the 2U studios in Arlington, Virginia to tape the videos in their professional quality studio.

**3) Describe the on-campus, residential portions of your online or hybrid J.D. program. Please note how these will be adapted to a completely online setting if students are not able to come to campus to participate.**

The on-campus component of the Program, entitled Get REAL (Relevant Experience & Applied Learning) weeks, requires students to convene with their class on UDSL's campus for one week per term. Under the variance, the Program's curriculum offers 30 purely online credit hours permitted by ABA Standard 306(e). These courses do not include a Get REAL week component; their instructional minutes are comprised of 50% synchronous instructional minutes and 50% asynchronous coursework.

The other 60 credit hours of the Program include a Get REAL week component, which along with the 50% of the synchronous instructional minutes (and equal minutes devoted to asynchronous instruction — a structured approach to a significant portion of out-of-class student work required under ABA Standard 310(b)(1)), equals the other 50% of the instructional minutes. The Get REAL weeks provide the students with the opportunity to reinforce the knowledge and skills obtained in the asynchronous and synchronous content and apply them to hypothetical cases in a simulated legal environment. Additionally, the Get REAL weeks allow faculty to integrate legal doctrine by melding courses the students are taking in a particular semester.

Because of the pandemic, UDSL requested an emergency modification to the variance, to allow it to recharacterize the allocation of course minutes during Get REAL week with the suspension of in-person classes. While we met the ABA classroom required minutes by counting all asynchronous and synchronous minutes, nevertheless, we believed that the core material we planned to cover in the Get REAL week was important to meeting our own learning objectives. We, therefore, proposed to convert our Get REAL week to a virtual format, by reengineering the week to provide a mix of synchronous and asynchronous content. Specifically, the reformulated Get REAL week includes one-third of these minutes via synchronous sessions and two-thirds via asynchronous coursework. The Get REAL week for Spring 2020 and Summer 2020 operate under this modification.

**4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**

As noted in the response to 2d, our partner, 2U, provides intensive training for the faculty. In terms of the online support, faculty and students have 24/7/365 access to the technical support from 2U via phone, email, and live chat. Technical



staff from 2U monitor the first several weeks of every synchronous session, attending each session and providing live assistance as needed.

### **5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities**

a) Describe how journals, moot court, student organizations and the like are offered online.

UDSL is committed to providing substantially similar co-curricular experiences for students in the Program. Just as in the residential program, students in the Program can participate in Law Review, Moot Court, Mock Trial, and all student organizations. For Law Review, students will be invited to participate in the same manner as residential students. They will earn the same amount of credits and perform the same tasks, including writing an article for publication and participating in the publication process through book pulls and editing. Similarly, students will be invited to participate in Moot Court in the same manner as the residential students, following their participation in the school's Walter H. Rice Memorial Moot Court Competition. They will participate in teams with residential students and travel to competitions. However, because the Program is only in its second semester, participation in either organization will not occur until later in the curriculum (after the 5<sup>th</sup> semester for Law Review and after the 7<sup>th</sup> semester for Moot Court).

Regarding other student organizations, students in the Program are able to fully participate in any student organization via Zoom meetings. After the second semester, students in the Program elected their own class president and secretary.

b) Describe how online externships and clinics are conducted.

Each student in the Program is required to take either a clinic or externship in the final semester of the Program. The externship will be offered via the Program's Externship course. The Externship course is a semester-long placement with a court, government office or agency, public interest

organization, law firm, or business, and the placement can be in the geographic location where the student resides (i.e., not in Dayton). A hybrid student will consult with the Director of the Externship Program to find and to select a placement. This process is not unusual as many of our full-time, residential J.D. students take their Externship course during the summer in proximity to their hometowns.

For the clinics, we are currently exploring the use of a simulated clinic course and/or an online alternative dispute resolution clinic. We are not currently considering a traditional live clinic because of the restrictions on student licensing, which varies by state.

### **6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

UDSL is committed to providing the exact same student support services for students in the Program as our residential students, including career services counseling and support, as well as financial aid. Regarding financial aid, admitted students are reviewed and awarded scholarships and are also eligible for financial aid (loans) exactly like the residential students. Our staff counsels prospective and current students about financial aid via email and phone.

Regarding academic support, UDSL's Academic Success Program offers a broad range of support services to students enrolled in the Program. Before the start of first semester classes, students complete the Introduction to the Study of Law modules to help prepare them for the law school classroom. During the first two terms, students also participate in the Learning Communities program, a non-credit graduation requirement. Learning Communities builds on the skills, knowledge, and social connections introduced in the Orientation and Introduction to the Study of Law programs, as well as the first-year academic curriculum, to maximize students' academic success in law school and to develop professional attributes. Under the supervision of

the Academic Success Program faculty, upper-level students serve as peer mentors and role models of student leadership, academic success, legal professionalism, and the values of the UDSL community.

Academic Success faculty directly support Hybrid J.D. students through the for-credit curriculum and one-on-one web-based conferences. This support begins with the one-credit Learning Skills Lab course for all students in the first semester and continues with the Elements of Legal Analysis course in the fourth semester, the Remedies course in the seventh semester, and the Advanced Legal Analysis course in the ninth semester, for students whose cumulative GPA indicates they need additional support and skill-building. All members of the Academic Success team maintain online scheduling systems to allow students to conveniently schedule individual appointments, including evening and weekend availability to meet the unique scheduling needs of Hybrid J.D. students. Students also must participate in the GRASP (Graduated Reinforcement, Retention, and Study) Program, if they receive a C+ or below in certain bar-tested courses. The GRASP Program provides online, asynchronous instructional modules designed in partnership with Themis, which are self-guided and self-paced so that students can focus on the particular areas that are most useful to them, without detracting from students' ongoing for-credit coursework.

As for library services, the Library's collection development has focused on digital materials (in addition to comprehensive subscription databases such as Lexis, Westlaw, and Bloomberg) that are accessible to distance students on the same terms as to residential students. We hold significant collections through the Lexis Digital Library, CALL, West Academic, Elgar, Quimbee, Wolters Kluwer, and Gale (Making of Modern Law). All three library faculty members participate in sessions during the first semester Get Real Week, providing instruction sessions on access to and use of subscription databases and services; print resources, free online resources; and library resources in the areas where the students reside.

Library faculty members have also established a virtual library through Isidore, the University's LMS. This is a work in progress, but the site provides introductions to individual library faculty members, with contact information; sections on access to and use of the various information resources that are available to students; and a discussion forum for questions and comments about information resources and such academic activities as Law Review and Moot Court. The site also includes references to law faculty members who have volunteered to serve as mentors and the biographies provided by those faculty members.

### **7) Describe any training or other resources that have been provided to your traditional J.D. program students who have been required to transition to online learning due to COVID-19.**

Our experiences with the Program allowed us to anticipate the most significant challenges our residential students might face: 1) lack of access to the required technology; and 2) fears relating to their ability to transition to this new system of learning. As soon as the decision to go online was made, the Dean of Students sent an electronic questionnaire to every student asking whether the student had access to the technology needed for Zoom classes (i.e., a computer, a camera, and a strong internet connection) and whether the student had any issues/concerns about the transition. Fortunately, we had a week of Spring Break before classes were to resume, which gave us time to reach out individually to students who needed help in making the transition. Students found the early contact on our part to be reassuring — they knew that we had a plan in place — and that help was available.

Over the break, both the Dean of Students and the Associate Dean for Academic Affairs reached out via email with guidance and tips relating to online learning generally and our Zoom classes in particular. An example email is attached. We provided students with the attached Zoom Quick Start Guide that walked them step-by-step through the key tasks they would be asked to undertake. We also strongly encouraged students

to “play” with Zoom before classes began and to take advantage of the tutorials on the Zoom website. Aside from the occasional dropped internet connection, students reported absolutely no problems with attending classes via Zoom.

**8) Please describe the extent to which your institution’s prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

The transition to a fully online format was fairly smooth for our residential program because, in large part, we understand what it takes to provide a quality online program, incorporating both synchronous and asynchronous content: time and training, neither of which we had in the crisis situation of Spring 2020. Therefore, we decided that all class sessions would be held at their regularly scheduled day and time via Zoom; all instructional minutes would be met by live synchronous class sessions. As part of the transition, as noted in response to Question 7, we made sure that all students had the capacity and resources to engage in online learning. Furthermore, we surveyed faculty to ensure they had the technology needed to teach remotely via Zoom. We provided multiple faculty trainings on Zoom to full-time faculty as well as adjuncts and offered a teaching assistant for any faculty member or adjunct who requested one. The teaching assistant could assist the faculty member by scheduling the Zoom classes and sending out the invitations to the sessions, hosting the Zoom meeting, taking attendance at the meeting, and attending every Zoom class session, so that the faculty member could focus on teaching the class instead of focusing on the technology. We completed Spring semester classes and experienced no major issues in the transition: students experienced the same legal education as they would have in the traditional classroom and potentially even an improved experience because on Zoom (especially when the default

is set to enlarge the speaker’s picture) everyone can plainly see and hear everyone else when they speak.

For the Summer 2020 semester, all classes will also be held online. Because we had more time to plan, we decided to use the courses developed for the hybrid Program for the incoming residential Summer-start cohort. Faculty teaching in upper-level courses will hold synchronous class sessions at a regularly scheduled day and time, which will equal the full instructional minutes.

The only challenge we faced was the issue regarding final exams. In lieu of doing a synchronous exam period with students taking a proctored timed exam, the faculty opted to use take-home 24-hour exams to accommodate student issues during the pandemic. Outside of this difference, the Spring 2020 semester was almost exactly as it would have been in the traditional semester on ground.

**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

Online legal education is likely here to stay even after law schools reopen to residential students. Under the current ABA Standards (which already allow law schools to provide a full one-third of their instructional minutes fully online), following the public health crisis, law schools would have had to revert to their pre-COVID-19 residential style of education. However, in an extraordinary coincidence, on March 6, less than a week before the mass suspension of in-person classes, the ABA issued a previously planned proposal to eliminate its long-standing prohibition on online J.D. programs. It is not certain that this proposal will go into effect; however, if it does, the nature of American legal education will be changed forever. While currently only four ABA-accredited law schools are operating a fully online J.D. program under a variance, many other law schools will start to experiment with online education. Based on the mass movement to online education in the Spring 2020, it is likely that faculty and students alike will see the benefits



from online education. Online education makes a legal education accessible to students who cannot attend law school because of geographic restrictions and/or family and work obligations.

In addition to improving access to legal education, online education has the ability to engage all students all the time. In synchronous classes, students cannot hide in the back of the class nor behind a computer screen. Additionally, asynchronous classes, following best practices, can be highly engaging and interactive. Furthermore, the asynchronous format has the ability to address the major flaw of the Socratic dialogue, where only one student at a time is engaged with the legal doctrine and the faculty member. If done well, asynchronous classes can actively engage every student all the time. While most faculty did not have the ability or time to produce quality asynchronous classes in the Spring 2020 semester, by sampling the online medium, they will come to appreciate conceptually the potential power of the asynchronous dimension specifically and online education generally.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

Online education can, and in some instances does, provide a superior legal education than that of the traditional residential program. With sufficient time and training, which was not afforded law schools nor their faculty during this public health crisis, faculty can create courses, which engage all of the students all of the time with highly interactive asynchronous content and weekly synchronous sessions.



# UNIVERSITY OF NEW HAMPSHIRE, FRANKLIN PIERCE SCHOOL OF LAW

## **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

The University of New Hampshire Franklin Pierce School of Law offers a Hybrid J.D. in Intellectual Property, Technology, and Information Law. Our mission is to produce the next generation of attorneys equipped with the legal knowledge to lead the modern innovation economy. Our target population is working professionals who bring experience in IP or tech with them into the classroom. We are reversing the law school-student relationship: rather than students moving to Concord, NH for a top IP program, we are smashing through brick-and-mortar to bring our world-renowned IP faculty, and our global network, to students wherever they are.

## **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

Our inaugural cohort of 45 students is together in lecture-style doctrinal courses, and also broken up into smaller groups of 10 or 20 for workshop-style courses like Legal Writing and Analysis. The students routinely engage in individual and small-group interaction with their professors. Teaching Assistants are assigned to all first-year courses. We work with iLaw as a technology provider, and they use D2L (Desire 2 Learn) as a Learning Management System.

b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).

We use video conferencing technology (Zoom) to teach the synchronous components of our classes. To foster small group discussions or exercises, our instructors use breakout rooms. Our technology provider (iLaw) provides 24/7 tech support for our program, including in-class tech assistance to faculty doing synchronous sessions. UNH Franklin Pierce Law IT staff continues to support faculty for their tech needs that may be related

to synchronous instruction but aren't focused on this instruction (for example, trouble-shooting a laptop). Faculty also have TAs to assist in Zoom room creation, classroom recording, class recording management, and individualized help on class assignments.

**c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.**

For any course that will have asynchronous components, we build the entire course asynchronously so we effectively have a "playlist" of all course content. This approach offers our faculty flexibility to then determine, for any administration of a course that will have both asynchronous and synchronous (remote or residential), which modules should be pulled out for synchronous instruction.

A student support specialist from iLaw works with the Hybrid J.D. Program Coordinator at UNH Franklin Pierce to track student participation so that the Coordinator can offer proactive, individualized advising to any students who begin to exhibit attendance or participation challenges. Weekly assignments and assessments vary within and between courses and take the form of quizzes, midterms, final exams, discussion boards, written assignments, and group projects.

**d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.**

We team up with expert course designers through iLaw to facilitate the builds of asynchronous classes. (For remote synchronous classes, iLaw provides tech support and a course site to house information.) Starting nine months prior to the launch date of new a class, our full-time faculty work closely with the instructional design team to translate the classroom into a digital format that maintains the integrity of the program and parity with our residential J.D. by recording lectures, building questions, and related tools.

**3) Describe the on-campus, residential portions of your online or hybrid J.D.**

**program. Please note how these will be adapted to a completely online setting if students are not able to come to campus to participate.**

Our Hybrid J.D. brings students from across the U.S. to Concord, NH only four times a year. These residential immersion periods take place twice in the fall semester, once in the spring, and once in the summer. Immersion periods range from 4-5 days, depending on the semester's schedule of courses and other activities (such as networking events). Immersion days are action packed, both in and out of the classroom. We arrange for room blocks at area hotels and host community-building events on campus, in Concord, and across New Hampshire to facilitate connections within the Hybrid student cohort and between the residential and Hybrid students.

This past semester, spring 2020, our immersion period was scheduled for March 20<sup>th</sup>-23<sup>rd</sup>. Due to the COVID-19 pandemic, our campus moved from in-person instruction to fully remote instruction on March 16<sup>th</sup>. For the Hybrid J.D., we moved the full immersion weekend to remote synchronous learning. Understanding that our students were now facing a myriad of unknowns with childcare and employment, and recognizing that synchronous lectures were not bound to the constraints of the weekend like residential instruction would be, we spread out some lectures to ensuing weeks. This contingency arrangement allowed students the flexibility to take care of themselves and their families while also completing a rigorous series of legal education.

Moving forward, we are planning for in-person residential immersion periods but have contingency plans in place for a number of scenarios should that not be possible due to the pandemic.

**4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**

Our faculty are at the heart of building and delivering content in our online classrooms, just



as they are in our residential classrooms. In the process of working with the instructional design team at iLaw, our faculty learn how to take existing lectures and turn them into interactive online lessons. Throughout the academic year, our Teaching Effectiveness Committee and other UNH colleagues (such as through the university's Center for Excellence and Innovation in Teaching and Learning), offer programming for faculty on how to teach effectively online, how to assess student learning online, and how faculty roles differ between in-person to online instruction.

Faculty have ongoing technology support with our in-house IT experts at UNH Law for general academic tech issues, like troubleshooting laptops. They also have 24/7 access to tech support through iLaw, with trained staff who can assist with any issues related specifically to the Hybrid courses through the D2L platform. The University also offers ongoing trainings on distance education technologies (beyond D2L) like Zoom and Microsoft Teams that faculty can elect to take.

## **5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities**

a) Describe how journals, moot court, student organizations and the like are offered online.

Our Hybrid J.D. students participate on equal footing in our law journals, moot court, and student organizations, with tailoring as needed to meet the structure and focus of the Hybrid Program. For moot court, Hybrid students participate in the competitions aligned with their course of study, including Constitutional Law, Patent Law, and Trademark Law. Our Law Review journal invites Hybrid J.D. students to apply to be editors, just as it does with residential students. There is a distinction in the logistics but not the content of the competition: we ship hard-to-find texts to our main campus library for use by residential students but, for Hybrid students, we identify nearby libraries that can participate in an interlibrary loan.

Student organizations like the Student Bar Association hold elections for our residential and Hybrid students alike. We have two representatives elected to the Student Bar Association out of each class. The dozens of other student organizations promote Hybrid participation by including inclusive language in their outreach to advertise to both Hybrid and residential students. For groups that may struggle with bridging the gap between residential and Hybrid cohorts, the Hybrid J.D. Program Coordinator can support their build of a strategic vision for their organization.

b) Describe how online externships and clinics are conducted.

Our inaugural Hybrid cohort will begin their 2L year in fall 2020, so Hybrid students have not yet participated in our clinics or Legal Residencies (externships). The directors of these programs have developed plans for including Hybrid students in our IP clinics and offering IP-focused residencies nationwide, for which we already have a strong network in place. Classroom components of clinic and Legal Residencies work will be offered online to Hybrid students, and Hybrid students can do clinic case-work remotely, just as much law practice is done today.

## **6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

The UNH Franklin Pierce Law Library, which is home to the only academic IP law library in the U.S., has been moving toward increased digitized collections for the 21<sup>st</sup> century. Hybrid students enjoy easy access to digitized library materials and can also access hard copy materials as needed, as well as reference librarian remote office hours. Our Academic Success Program (ASP) hosts weekly workshops at 9 pm ET so students across the country can participate after their normal work hours. These workshops are hosted by our Associate Dean of Administration who directs the Academic Success Program. We also have a dedicated

adjunct faculty member in the Academic Success Program who offers remote, one on one work sessions to every Hybrid student who wants to work on skill-building for success in law school classes and on law school exams.

Our Career Services team kicks off its relationship with our Hybrid students by teaching the Legal Profession course (1 credit) required for all 1L students (residential and Hybrid). The Legal Profession course begins with student interviews so that the course content can be tailored to the variety of professional experiences that our Hybrid students bring to the table. Career Services also plays an integral role in supporting our students individually as they move forward with advancing in their current professional roles or transitioning to new ones as they gain law school experience and, ultimately, their J.D.s. Our financial aid office is available via phone and email to all Hybrid students just as it is to our residential J.D.s. Students who need financial counseling can connect one on one with our Financial Aid team.

**7) Describe any training or other resources that have been provided to your traditional J.D. program students who have been required to transition to online learning due to COVID-19.**

Our residential J.D. students were remarkably resilient in our transition to remote learning during the pandemic. Zoom tutorials and IT support were available through our in-house IT experts. We surveyed students in the days prior to campus closure to ensure all students had access to the hardware and Internet connection necessary for remote learning. Those who did not received individualized support from us in the form of loaning laptops, providing access to local hotspots (including a new one we set up in our parking lot for socially-distanced, convenient access) and, in emergency circumstances, funding for increased Internet speed.

We have also consistently and enthusiastically encouraged students to stay in close dialogue with us about how the transition was going.

Opportunities for dialogue included weekly Zoom coffee chats with the Dean and other staff and faculty and individual appointments with the Assistant Dean for Students. Survey-level feedback was solicited at the conclusion of the Spring 2020 semester to gauge the effects of the transition. Our student body showed great proficiency with technology, so student issues were far and few in between.

**8) Please describe the extent to which your institution's prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

Through our development and roll-out of the Hybrid J.D., we have been engaged in comprehensive, rigorous assessment and use of digital technologies for remote legal education. We have been able to transfer that knowledge-base to deploy smooth, effective contingency operations during the pandemic. Notably, our IT experts were well versed in training faculty on the use of new technologies since they had been working with our faculty teaching in the Hybrid Program for over a year on how to use video conferencing, break-out rooms, and other software to create meaningful online learning. With several of our full-time faculty already experienced in using these tools, the cultural shift to remote learning was smooth. Faculty were able to consult with other faculty about experiences, hardships, and successes related to online teaching.

From a student experience perspective, we already had a repertoire of strategies we use to keep students engaged and feeling like part of the community even if they are hundreds of miles from campus. We hosted weekly digital socializing events like movie nights, scheduled yoga and workouts, and opportunities to share photos and videos of our new workplaces

and colleagues — mostly pets and children. From experience with working with our Hybrid J.D. students, our Assistant Dean of Students was well prepared to keep connections strong between our newly remote students who found themselves apart from their residential campus home-base. Our most significant challenge in student life was determining how best to streamline and consolidate communications from campus so that students could get the critical, time-sensitive information they needed about contingency operations without getting email burnout. We reduced student email fatigue by collating information that would have gone out in waves into one central message, as well as fostering direct student to student communication (including for student organizations) to the most effective digital channels.

**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

Now more than ever, it is crucial to unbundle legal education so that we as educators can reach students where they are and deliver education in a manner that fits their personal and professional lives. Distance J.D. education gives students the ability to break through geographic barriers that previously prevented them from achieving their goals, and it gives law schools greater ability to drawn on experts from around the world as guest lecturers and adjunct professors in online classes. By offering a top-notch legal education in IP with few residential requirements, we are delighted to be building a virtuous circle: using the new and emerging digital technologies that IP attorneys have helped build to train the next generation of IP attorneys who will in turn build the next wave of digital technologies that will support education, law, and other crucial institutions.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

It is important to keep in mind that emergency remote operations are distinct from strategic

and thoughtful online pedagogy. Be open to a transformed school and workplace where every new question, from a student or a colleague, might be an “issue of first impression” (as lawyers are fond of saying!). Comfort with the unknown is important for every new program, but it becomes mission-critical in a distance education. Do not try to replicate your brick-and-mortar classroom experience online; rather, think about how technology can facilitate learning objectives in new ways.



# Law School Using Online Courses as a Supplement to a Traditional Program



## NOVA SOUTHEASTERN UNIVERSITY, SHEPARD BROAD COLLEGE OF LAW

### **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

The NSU Shepard Broad College of Law used online and hybrid courses as a small supplement to the J.D. curriculum. (It adopted online much more extensively for MS and LLM programs.) Although the students are permitted to take the maximum number of credits permitted under the ABA rules, the offerings were much less expansive, and only available in elective courses. The exception was an online alternative course for the students in a long-distance field placement.

### **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

NSU adopted Canvas as the primary LMS, though some faculty continue to use TWEN or Lexis products. No online offerings are available in the first year, and very few recommended

courses have online options. Although there are no restrictions on the number of online credits available per semester, the offerings are generally limited to relatively few courses in any given semester. NSU also has over 60 required credits, so the number of elective credits is also quite small.

b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).

Prior to the COVID-19 crisis, there were not obligations in the J.D. program, but faculty were generally expected to follow the MS policies. These included mandatory, synchronous sessions every other week, generally running one hour each. No additional TAs were provided and no course development stipends were offered. In addition to university tech support, the law school employed an instructional designer who primarily served as trainer and guide.

c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.

Canvas has many online tracking components, but the usage was at the discretion of the faculty members. Courses had required weekly graded assignments or graded discussion boards.

d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.

There was little formal support. Through the standardized templates developed in the MS program, the J.D. courses tend to follow a similar model, but each online faculty member designed his or her own teaching experience. This ranged from the same online contact minutes as a face to face class in one course, to a nearly asynchronous experience in another.

**3) Describe the on-campus, residential portions of your online or hybrid J.D. program. Please note how these will be adapted to a completely online setting if students are not able to come to campus to participate.**

The residential portion of the J.D. courses represented very traditional, Socratic teaching in many of the required courses, with some faculty using more problem-based instruction and group work. Faculty used hybrid teaching units primarily to manage scheduling conflicts, with few courses being designed to fully integrate online learning with classroom instruction.

**4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**

The law school instructional designer regular holds training sessions and provides one-on-one assistance to design each course. The university also offers online sessions and workshops, though these are not heavily used by the law

faculty. Each workshop has been recorded and added to an instruction course available to full-time and adjunct faculty through Canvas.

**5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities**

a) Describe how journals, moot court, student organizations and the like are offered online.

NSU had not, prior to the Coronavirus offered J.D. students opportunities to participate.

b) Describe how online externships and clinics are conducted.

NSU had not, prior to the Coronavirus offered J.D. students opportunities to participate.

**6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

The law library and career services often provided services to students through email, phone, portals, and online chat. The other departments did not offer those services.

**7) Describe any training or other resources that have been provided to your traditional J.D. program students who have been required to transition to online learning due to COVID-19.**

We had multiple systems of training and the sharing of resources. First, our Instructional Designer immediately took the lead in holding in person training sessions regarding Canvas, Zoom and best practices, as long as we were able to physically be together. Once that became no longer possible, the university OIIT program took over with remote training opportunities reinforcing and expanding on these subjects.

Once the initial round of technology training had brought faculty up to speed, the training turned to online teaching best practices and creative tips and help in furthering good teaching. These were shared by our Learning Center at

the University, as well as organically throughout the faculty, who received them through blogs, emails and other participation in forums.

**8) Please describe the extent to which your institution's prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

Being an institution that had extensive training in distance learning, we had two things that assisted us in a quick transition. First, because we use Canvas for our distance learning courses, we had transitioned the method of communication for all faculty and all courses to canvas for out of classroom information. Therefore, each J.D. course already had a Canvas "shell" created and in use for announcements, handouts and the like. This technologically facilitated the transition very quickly.

Second, because our distance learning program is so large, we frequently use J.D. faculty to teach in it, and as such, more than half our faculty had experience in teaching in an online course in some way, and could serve as peer mentors to those less experienced.

**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

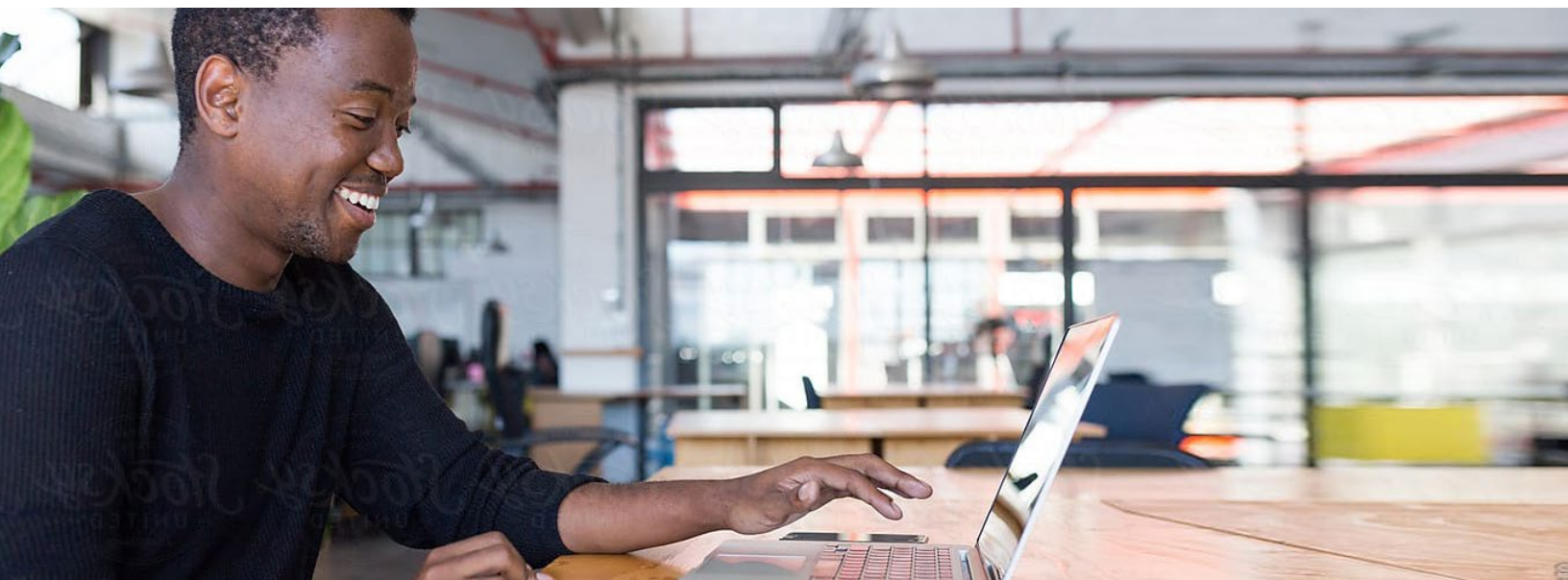
Good distance learning does not try to imitate and replicate in person learning — it has features that when properly used, are uniquely beneficial to students. Good online education needs to leverage these and not just do exactly what would have been done in an in-person classroom.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

There need to be adjustments in the roles of both faculty and students — much attention has been given to training faculty to teach online, but students need to learn how to learn online just as much as faculty need to learn to teach online. Neither group can expect the other to be perfect immediately but need to work together.



# Fully Online Law School



## ST. FRANCIS SCHOOL OF LAW

### **1) Describe your school's online or hybrid J.D. program, including whether your program has a distinct mission, focus area or target student population.**

St. Francis School of Law conducts its part-time, fully online J.D. program with the mission: "To produce graduates who are capable of practicing law immediately upon graduation through an accessible, high quality program that emphasizes practical professional skills." In application, this means St. Francis serves professionals – often with other graduate degrees and careers in those areas of study – who want to make the leap to a law practice related to those areas or enhance career opportunities in their field by the addition of legal knowledge. A very typical student would be a mid-career health care professional seeking to move into health care administration, or a law practice related to health care (e.g., representing the disabled.)

### **2) Describe the key aspects of your online or hybrid J.D. courses:**

a) Describe basics such as the LMS, how many students are in the online or hybrid courses at a time, etc.

St. Francis delivers a practical, rich law school curriculum and experience online, using the Canvas learning management system (LMS) and WebEx for its live class sessions. Canvas, from Instructure, Inc., is the most widely respected learning management system (LMS) among prominent online schools and programs. St. Francis has its own "instance" of Canvas, meaning that the learning environment can be fully customized for law school use, not constrained by university requirements. Canvas is a modern, cloud-based teaching and learning tool that provides a number of features that enhance St. Francis' student (and teacher) experience, including:

- A fully supported single version with rolling update
- Efficient grading tool

- Paths for integration with other products, including more effortless integration with RPNOW proctoring, audio and video systems, and online classroom tool
- 24x7 support with LMS experts and a robust community of resource

The Canvas Dashboard gives students and faculty instant access to their courses and a run-down of upcoming tasks, activities, classes, and assignments. Various other screens provide profile and customization, calendar, communication, and help options.

St. Francis delivers a very personal learning experience. Class sizes are limited, and student faculty ratios are highly favorable to individualized learning. WebEx, from Cisco Systems, Inc., is used for live classes in the St. Francis curriculum. Students meet with faculty and other students in live, synchronous classes at least two times per week using the WebEx platform. WebEx is also used for student, staff, faculty, and community ("town hall") meetings, and some students use it, and other cloud-based conferencing apps (e.g., Zoom) for study groups. WebEx provides two-way video and audio, text chat, live presentations (e.g., PowerPoint), application sharing (e.g., browsers, YouTube, etc.), multiple simultaneous whiteboards, class recording to the cloud, and other features. Live classes are archived for review anytime by students (and the Faculty Developer and Professor for development purposes). For enterprise administrators, WebEx provides centralized scheduling and meeting controls, cloud recording transfer, user account management, and other features.

b) Describe synchronous portions of classes (core and elective courses) including which broadcasting tools are used and any in-class assistance to faculty (e.g., technology partners, tech support and TAs).

c) Describe the asynchronous portions of your online and hybrid courses, including any learning, tracking and assessment tools.

*(Answer to 2 b. and c. combined:)*

St. Francis uses a hybrid online learning methodology in which live online classes (synchronous) combine with real-time assessments and practices (timed quizzes, writing assignments, and exams), near-real-time learning experiences (graded discussions) and asynchronous learning activities – all supported by instructor and peer feedback – to deliver a rich, blended, practical, and carefully assessed learning experience for the students.

KEY SYNCHRONOUS COMPONENTS	KEY ASYNCHRONOUS COMPONENTS
<ul style="list-style-type: none"> <li>• Live face-to-face, voice-to-voice for all students and professor (video participation is required)</li> <li>• Socratic method questioning and discussion (students are called on)</li> <li>• Live classes attendance and participation tracking and grading for credit</li> <li>• PowerPoint and document display</li> <li>• Application sharing (e.g., Lexis)</li> <li>• Simultaneous text communication between students and the professor, class-wide or privately</li> <li>• Multiple views (slides, application, whiteboard, chat, roster, professor, student, class)</li> <li>• Hand raising signals professor that students have a question</li> <li>• Live classes are recorded and available for review</li> </ul>	<ul style="list-style-type: none"> <li>• Discussions by the course community, guided by the professor</li> <li>• Weekly graded timed writing practice</li> <li>• Weekly graded multiple-choice quizzes</li> <li>• Graded practical skills assignments for students in the upper level</li> <li>• Proctored and timed exam</li> <li>• Feedback from professors on all assignments via rubrics/comment</li> <li>• Immediate feedback on quizzes; feedback in a few days on other assignment</li> <li>• Projects and practical learning experiences embedded in many doctrinal course</li> <li>• Dedicated skills training course</li> <li>• Course improvement via learning outcomes analysis and feedback from students via end-of-course survey</li> </ul>

Learning on St. Francis platforms can have significant advantages over learning in live, physical classrooms. In St. Francis courses, students get a very specific and orderly schedule for all study and assessment tasks. (Like many of these things, this can be done in the physical classroom, but tragically often is not.) Students know exactly what is expected of them, for example, on what to prepare for class or how to meet expectations on an assignment (because assessment rubrics are standardized and published in advance). Students are accountable for weekly learning – there is no chance to slack off for the entire course and then catch up at the end – though they can move through assignments at a pace and order that fits their learning style, because they have multiple learning activities on the topics in each seminar. They can store and retrieve all their work (from anywhere, via mobile applications of Canvas and WebEx), setup and use course calendars and planning tools to keep their studies on track, and reach out and receive timely answers from their professor, all in one central place. They get prompt or even immediate feedback on many types of practice exercises (including some peer feedback in Discussions). Perhaps most importantly, they can always know “where they stand” in terms of

both learning and grades, because courses are built to provide multiple frequent, low-stakes assessments, graded promptly, with developmental feedback.

In WebEx live classes, all students can see and hear the professor and each other, interact live in real time, and contribute to whiteboard work, presentations, chat discussions, and other activities. Professors use Socratic method to call on students. Class sizes are limited to 15 students to assure regular and substantive contribution by all students. Class recording makes it easy for students to review class activities, lectures, and materials as desired. Students and the professor can communicate in text contemporaneously with the lecture or other class activity, as when the professor wants to get an answer to a question from all students. Professors can conduct live polls using third party tools that they link through application sharing. Professors (or students) can show videos, share drafting and other work product, work in groups, and in general, replicate almost all experiences of live physical classroom settings, if desired (all from an inexpensive laptop computer in the comfort and privacy of home). Students with disabilities have the use of built-in assistive tools, like magnification, screen readers,

class archives, and closed captioning (which can be implemented when a student is accommodated in that way). Unlike the live, physical classroom, where these items must be implemented manually with great distraction to other students, online students are all able to benefit from them – for example, class archives – if desired.

Well-designed courses, delivered on modern learning management systems, remove most of the guesswork and frustration that confounds law students in many less-organized law school courses. Research suggests this method of learning is at least as efficacious, if not more so, than traditional law school courses.

**d) Describe the role of other experts in course and program development, such as instructional designers, assessment experts, etc.**

Curriculum improvement is a high priority and ongoing process at St. Francis, which continues to research and adopt best practice for online legal education. First year courses receive constant attention, and all courses have been revised multiple times to improve teaching of particular topics (e.g., strict products liability), replace outdated teaching materials, and update the exams and examples used in the course. For and since the adoption of Canvas in July 2018, the school reviewed every single one of its courses, using services of instructional design, subject matter experts from among and beyond the faculty, and the Dean (who is an expert on law school assessment). These reviews entailed re-considering the learning objectives, reviewing, and if necessary, revising, the learning activities (including the formative assessments), and checking, and if needed revising, the learning support materials (e.g., Instructor resources and slides used in class). The school manages its curriculum centrally and expects to continually improve delivery of learning outcomes through application of data and research-based best practices to course and learning design decisions.

**3) Describe the on-campus, residential portions of your online or hybrid J.D. program. Please note how these will be**

**adapted to a completely online setting if students are not able to come to campus to participate.**

St. Francis School of Law conducts a fully online J.D. program with traditional J.D. learning outcomes, courses, materials, and faculty. There are no required on-campus courses in this program, which operates under the authority of the State Bar of California as a registered unaccredited law school. St. Francis School of Law is presently seeking accreditation, under regulations recently issued by the State of California permitting, for the first time, state accreditation of fully online J.D. programs. St. Francis is not, and cannot be, ABA approved. ABA Standards for Approval of Law Schools continue to limit the amount of distance learning permissible in ABA-approved J.D. programs despite research and experience suggesting the same or better efficacy can be attained through online learning.

**4) Describe training for faculty on how to deliver online content effectively, noting who conducts the training, the length of the training and any ongoing support for faculty.**

The St. Francis School of Law J.D. program is quite traditional in the sense that much of the instruction occurs in live classroom settings, just delivered at a distance using web conferencing systems. Faculty members conduct traditional Socratic or dialogue-based live instruction, assigning cases or problems, calling on individuals to engage in dialogue, assigning groups to discuss a topic, etc. – exactly as they would do in an in-person setting. Thus, faculty training for the live instruction portion of the J.D. curriculum differs from faculty training for live instruction in an in-person setting only in the addition of training on the particular technology platform used for the live classes (WebEx). St. Francis usually engages only experienced law teachers as adjuncts. When it has a new teacher to train, classroom management, engagement and organization, and other teaching skills are addressed in addition to the technology platform training.

The other major portion of instruction delivery is formative assessment and the feedback given on



student work. Students typically complete three to four assignments per week, on most of which faculty members: 1) grade from a rubric; 2) provide a sample of superior performance (e.g., on a writing assignment, a model answer); and 3) offer developmental feedback on the student's work or performance. These formative assessments may be group discussions on a topic, drafting documents responding to a real-world scenario, other performances in a simulation (such as an oral argument), responding to bar-exam style writing assignments or multiple choice questions, and many others. All are graded according to one of several rubrics, and feedback expectations focus on application to additional situations, issue spotting, client communication and relationships, ethics, and other knowledge and skill development considerations.

Training is conducted by the Dean (in a small school such as this one, the Dean does many things directly), the Faculty Developer, and occasionally by the Director of Academic Excellence. The school's Community and Professional Development course, hosted on the learning management system (Canvas), includes many resources for orientation of new faculty members and for just-in-time training (such as technical resources on using Canvas features).

## **5) Describe how your hybrid/online students participate from a distance in co-curricular and extracurricular activities**

a) Describe how journals, moot court, student organizations and the like are offered online.

A small school, serving only part-time, adult learners, St. Francis offers primarily individual, rather than group, activities. As is common with traditional night programs in residential law schools, expectations and opportunities for adult learners must be adjusted because they have jobs, busy lives, family care responsibilities, and schedules that prevent them from participating in traditional extracurricular offerings. As a result, the law school does not have traditional journals, student bar association activities (e.g., pizza parties), and the like. Advanced writing and legal scholarship training are offered through LAW 920 Independent Study, which is directly and

individually faculty mentored. Oral advocacy and moot court skills training are features of several courses, including the traditional appellate brief arguments in the LAW 871 Advanced Legal Writing course required of all students, the LAW 901 Civil Trial Advocacy and LAW 902 Criminal Trial Advocacy electives, and others. The school has a plan for supporting a competitive moot court, should teams of interested, available, and qualified students be identified, but that has not, thus far occurred.

b) Describe how online externships and clinics are conducted.

St. Francis does not presently conduct a traditional clinical program, though it has one in development. It does conduct experiential learning in many courses, and offers externship opportunities that are part of the distance learning curriculum. Participants in LAW 950 Legal Externship work in a law-related setting under the supervision of an approved attorney supervisor. They complete study logs evidencing the hours spent in various non-classroom activities, and a reflection on the externship experience, which may include artifacts of the work product produced by the student during the externship. The faculty member or law firm supervising the externship completes an evaluation of the extern that includes the number of hours of supervision and the types of activities required of the extern. These are reviewed by the faculty member supervising the externship, who also meets with the supervisor and extern periodically through the course of the externship.

The LAW 950 Legal Externship course, completed by the student while on externship, includes the assignments described above as regular course assignments, and is graded by the supervising faculty member. The course may be taken only once, for 4 quarter units of credit.

## **6) Describe how student support services (e.g., academic support, law library services, career services, financial aid) are provided to online/hybrid students.**

Visit any university campus and the emerging model for delivering central services (like bursar and financial aid) to law students at St. Francis is obvious. If possible, graduate students everywhere

forego in-person interactions for equally qualitative asynchronous and synchronous interactions – in fact, online service are preferred by many students to waiting rooms, appointments, lines, and other inconveniences we used to accept with in-person service models. Busy students want to place a call or send a message and have timely, qualitative responses unless – better still – they can accomplish the function completely by self-service online at any time of day or night, from anywhere.

St. Francis delivers academic support online and through its Director of Academic Excellence, who is a full-time faculty member with that additional role and course release. At any time, in this small school, this faculty member will have between 4 and 10 advisees, working on progress, content, and skills in weekly telephone or WebEx appointments. Online resources, such as extra practice materials, are provided through the learning management system, and performance data collected by that system allows better insights to be used in developing custom learning and remediation plans and in conversations with each student advisee.

Law librarian services are provided through the same asynchronous and synchronous online service model used for central services, since the law library itself is online (Lexis Advance and other resources). The St. Francis Librarian answers research questions, helps with training for new students, supports faculty, and maintains the online library collections.

Finally, career services are provided both by self-service, with a series of educational seminars and materials on legal careers available asynchronously to students, and traditionally, with a central career services officer available to provide individual mentoring on the job hunt process. Since most St. Francis students are non-traditional aged, Career Services supports career transition rather than career entry for most St. Francis students, and in this the Dean and other faculty members frequently provide support, services, and contacts for students and graduates, as anywhere.

## **7) Describe any training or other resources that have been provided to your traditional**

## **J.D. program students who have been required to transition to online learning due to COVID-19.**

Students in distance learning programs become accustomed to interacting with the school, curriculum, faculty, and each other very quickly, in our experience. While St. Francis did not have to provide any training to students transitionally in relation to the COVID-19 pandemic, it regularly orients new students to life as a distance learner. These students are, in the main, not “digital natives” and come with wide ranging levels of experience with technology. Some even have limited recent experience with higher education, having completed their degrees many years ago.

The core issues for Orientation related to distance learning are: 1) comfort with websites and common office applications; 2) facility with the learning management system and live classroom platform; 3) getting used to the rhythm of weekly seminars with identified learning objectives and frequent, low-stakes formative assessment; 4) learning how to contribute to quality interactions of the kind expected in law school classes, using the school’s online learning tools and systems; and 5) orienting to the school’s culture of high performance, frequent demonstration of performance, and collegial, cooperative growth and development.

## **8) Please describe the extent to which your institution’s prior experience with distance learning has helped ease the transition to online learning by traditional J.D. program students. What challenges (if any) has your institution faced adapting its distance learning techniques to the traditional J.D. program during the COVID-19 pandemic?**

St. Francis School of Law was fortunate to experience limited disruption resulting from the pandemic crisis. Experts in online legal education, St. Francis has, for nearly a decade, operated an exceedingly high quality fully online J.D. program under state rules permitting such programs to serve Californians and those who desire a license to practice law in California. Thus, everything from handling admissions files through curriculum and

course design to secure remote proctoring of exams was already implemented online. The school has, of course, responded to impacts on individuals, both students and staff, as a result of the pandemic, but no major structural or operational changes have been required. Even grading, which has caused enormous strife at many law schools, has been simplified by St. Francis's curricular design model of multiple, frequent, low-stakes assessment (instead of a single high stakes final exam at the end of the course). Integrated formative assessment means the final exam is a lesser part of the overall grade, and that students essentially know where they stand, grade-wise, throughout the course. This greatly relieves pressure on students and eases demands for Pass/Fail grading systems.

**9) Please provide any insights you may have about the role of online and distance J.D. education going forward.**

Interactions in the well-conducted live online classroom lack nothing in terms of content and quality when compared to their in-person counterparts once students are oriented to participating in them and faculty are trained in conducting them. The rigor is just as great – and more widely experienced because there is nowhere to hide in a recorded class model, as used at St. Francis. Video and audio put each person on the spot – quite intimately – when called on, and students take their preparation responsibilities correspondingly seriously, if the right classroom culture is nurtured.

While live online classes comprise a sizable percentage of well-designed distance learning, there are opportunities to spend instructional time on other activities just as meaningful educationally. Modern learning platforms (e.g., Canvas) provide easy means of conducting asynchronous learning activities such as quizzing, discussions, writing assignments, presentation assignment, and other simulations that enhance the attainment of learning outcomes in very manageable and measurable ways. Initial content development can be resource-intensive, but high-quality curriculum elements increasingly available from specialty publishers can make this affordable. The main thing to understand when designing is

that quality learning takes place in **doing**, whether by dialogue participation in class or by any other demand for/demonstration of performance.

All this is simply to say that distance learning in legal education is here to stay, for a growing number of schools, programs and courses at schools, faculty, and students. The hegemony of fixed-facility, in-person legal education is declining. Educationally, there is no reason to desire a move back to a rigid in-person model of instruction, as no research suggests this is broadly preferable to a distance education or hybrid teaching model. Distance learning techniques will continue to enhance fixed-facility, in-person courses in both traditional and hybrid learning models because they **work** and are **in demand** by a growing segment of the market.

**10) Please provide any words of wisdom, tips or encouragement you may have for law schools that have been forced into the online education space by the crisis.**

Embrace it! This is the moment when legal education, of necessity, opens its eyes more widely to a world that has existed efficaciously across higher education for at least two decades. Schools should “never let a good crisis go to waste.” The opportunity for adapting the J.D. program to meet the needs of an ever-more-digital student body should not be lost.

Just one example to illustrate: data collection, and data-driven decision-making, afforded by well-designed distance learning directly and measurably improves a program of legal education. Online learning, particularly well-designed curricula with multiple assessment points, provides deep and rich user performance and quality improvement data for designers (faculty and administration), teachers, and program evaluators. For the students, it provides a richer learning experience, full of practical applications and immediate feedback, that speeds acculturation to the ways and mores of the legal profession and makes the education feel more relevant. In any transition to online learning, the design should anticipate the opportunity to continuously improve curricula and teaching through the use of outcomes assessment data readily available through these systems.